

01- R -1411

Entered - 07/17/01 - sb  
CL01L0450 - DIANNE C. MITCHELL

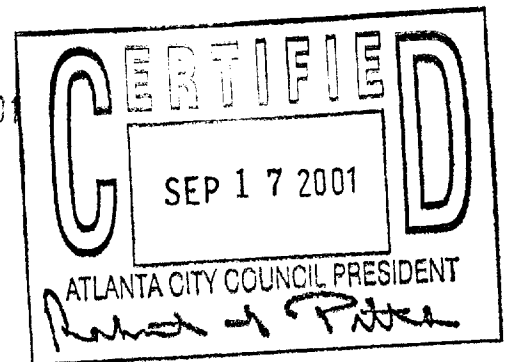
CLAIM OF: **DAVID BENEFIELD AND PUMPCO INC.,**  
through its insurance carrier,  
**Liberty Mutual**  
**P. O. Box 2792**  
**Norcross, Georgia 30093-2792**

For damages alleged to have been sustained as a result of personal  
injuries due to an uncovered "trench box" on May 9, 2001 at "Edina"  
and Peachtree Creek.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell  
**ROSALIND RUBENS NEWELL**  
**DEPUTY CITY ATTORNEY**

ADVERSE REPORT  
CITY COUNCIL SEP 17 2001



## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: Public Safety

CHAIR: 9/12/01 C. T. Martin

[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

**CERTIFIED**  
SEP 17 2001  
[Signature]  
**DEPUTY MUNICIPAL CLERK**



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

October 2, 2001

Liberty Mutual  
Insurance Carrier  
Attn: Rosetta Lee Leggett  
P.O. Box 2792  
Norcross, Georgia 30093-2792

01-R-1412

RE: David Benefield & Pumpco Inc.

Dear Ms. Leggett:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on September 17, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0450

Date: August 29, 2001

Claimant /Victim DAVID BENEFIELD AND PUMPCO INC.  
BY: (Ins. Co.) Liberty Mutual  
Address: P. O. Box 2792, Norcross, GA 30093-2792  
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated  
Date of Notice: 07/16/01 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 05/09/01 Place: "Edina" and Peachtree Creek  
Department        Division:         
Employee involved        Disciplinary Action:       

NATURE OF CLAIM: The claimant alleges that its insured's employee was injured on an uncovered "trench box". The investigation determined that there is no street within the Atlanta City limits named "Edina". Furthermore, the claimant has failed to provide requested information necessary to substantiate its claim.

INVESTIGATION:

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police        Dept Report        Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

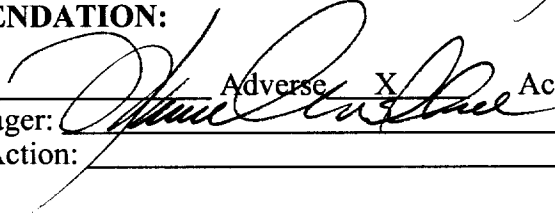
BASIS OF RECOMMENDATION:

Function: Governmental        Ministerial         
Improper Notice        More than Six Months        Other        Damages reasonable         
City not involved        Offer rejected        Compromise settlement         
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent        Joint        Claim Abandoned X

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$        Adverse X Account charged: 1A01        2J01        2H01         
Claims Manager:  Concur/date 08-29-01  
Committee Action:        Council Action

RCS# 3123  
9/17/01  
6:39 PM

Atlanta City Council

Regular Session

MULTIPLE  
01-R-1411

Unfavorable Claims; Items 20-59

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 1  
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	NV Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	E Maddox	NV Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE